

# EXHIBIT K

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON

JONATHAN ADAMS, AS  
ADMINISTRATOR OF THE  
ESTATE OF GARY C. ADAMS,

Plaintiff,

vs.

CIVIL ACTION NO: 3:10-CV-00605

MARATHON PETROLEUM CO., LLC.,  
MARATHON OIL COMPANY,  
JOHN DOE AND JOHN DOE  
CORPORATION, an unknown  
individual and corporation,

Defendants.

\* \* \* \* \*

The deposition of JEFFREY DARREN CRANK was taken on October 15, 2010, commencing at 8:30 a.m., at the Law Offices of Nelson Mullins, 949 Third Avenue, Suite 200, Huntington, West Virginia, before Alex Koutsunis, a Court Reporter and Notary Public in and for the State of West Virginia, pursuant to notice in the above-styled matter which is now pending and undetermined in said Court.

ALEX KOUTSUNIS  
AAA COURT REPORTING SERVICE  
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1 loose before I got to the pilothouse. And, of course, I  
2 called Buddy and asked him what he wanted me to do.

3 Q What did he tell you?

4 A He said, "Well, we need to get the boat  
5 turned around or something." And, of course, they was  
6 hollering -- people was hollering, "Shine your light out  
7 there. He's out there." And, of course, I shined my  
8 light out there and all that stuff. But I told him that  
9 I would touch in on his port knuckle. I guess they had  
10 cut the line. I mean, I'm not for sure. That's just  
11 what he'd told me. They cut the line.

12 Q He told you that they had cut it?

13 A Or something. I don't know. They said  
14 they turned it loose or something. And I told him if  
15 he'd drop down, I would knuckle in right there just like  
16 bump the corner of him, the front corner, and spin him  
17 around. And, of course, that's when Gary came out from  
18 underneath the boat.

19 Q Now, when you say the front corner, which  
20 side of the boat do you mean?

21 A It would have been the starboard -- it  
22 would have been the starboard knuckle, because at that  
23 time he was pointing downstream because they had flopped

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1 around on that line.

2 Q Was the boat -- when you got up there to  
3 it, was the boat already starting to move or had it just  
4 been cut loose and it hadn't really started moving yet?

5 A I'm not really for sure about that as far  
6 as the moving part. I know it was -- it may have been  
7 still tied off, I'm not for sure. Because he had just  
8 -- the boat is 150 foot long or right close to it, and  
9 he was actually probably right down at the corner by the  
10 time -- so he had probably floated down a little bit,  
11 maybe, because he was down right there. And when I  
12 shoved him around, I could shove him in. And then I  
13 just backed out of the way, you know.

14 Q Okay. So let's look at this Exhibit 3  
15 again so that I can use this. By the time you got  
16 there, the bow of his boat had turned around and was  
17 facing downriver?

18 A Yes. Well, now hold on. That -- as far as  
19 that goes, once they topped around, they topped around  
20 on the line because of the current. That's what the  
21 line jerked -- his head, it jerks your stern in and your  
22 head goes out. And there's no way with the current --  
23 the way the current is -- if you knew about out there,

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1           Q     Okay. And when you head the boat in --  
2     when you hit the starboard knuckle of the boat, then  
3     which -- is it down below barge MPC635 or did you push  
4     it into that barge, or do you remember?

5           A     I really don't remember, to be honest with  
6     you, if it was that far down or what. But I just know  
7     all I had to do was barely touch him and kind of shove  
8     up and in at the same time and it got his stern coming  
9     on around.

10          Q     And so did it come around then and did it  
11     hit your boat then, the starboard side?

12          A     No. No, it did not hit my boat. The --  
13     once I got it coming around as fast as the current  
14     pushed it around anyway -- once I got it caught --  
15     because anytime you're caught in current, you're going  
16     to go that way fast. So as soon as I got it caught, you  
17     know, touched in, and got it started, the way it started  
18     spinning around, I just got back out of the way. And he  
19     topped around and I dropped down below him about 200  
20     foot. And that's when he got all the way straight with  
21     the current, up and down. That's when Gary popped out  
22     from underneath the boat.

23          Q     So the boat -- when you say he spun back

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1 around, would the bow of the boat then been headed  
2 upstream again?

3 A Yes. The bow of the boat would have been  
4 headed upstream.

5 Q Okay. Where were you at that point in  
6 time?

7 A Where was I as far as what?

8 Q You said you backed off. I didn't know --

9 A Well, in running water, current, all you've  
10 got to do is all stop. You're going to float backwards.

11 Q I understand.

12 A You're going to float downstream.

13 Q You were still downstream of the Tri-State?

14 A Yes, about approximately 200 feet, maybe  
15 400 feet.

16 Q Okay.

17 A But I didn't really measure as far as  
18 looking where I was at. But I just know I was far  
19 enough back that as soon as they got to where the  
20 current could, you know, take affect, Gary popped up out  
21 from underneath the boat.

22 Q And did you see him floating in the water?

23 A Yes.

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1 Q Where was he in the water in proximity to  
2 where your boat was and the Tri-State?

3 A He was approximately --

4 Q Let's do this. Make it a little easier.  
5 Let this piece of paper be the river. Draw the -- if  
6 you would, draw the Tri-State and the Map Runner and  
7 kind of -- and then put Gary where he would have  
8 appeared in the water when you first saw him.

9 A Okay. (Witness complies.)

10 Q So you saw him at the stern of the  
11 Tri-State is where you saw him come up?

12 A Yes. Out from underneath the stern of the  
13 Tri-State.

14 Q And if you would, just label for me which  
15 way is upstream and downstream.

16 (Witness complies.)

17 BY MR. BISER:

18 Q All right. Thank you.

19 A You're welcome.

20 Q So when you saw Gary in the water, what did  
21 you do?

22 A What I did when I seen Gary in the water, I  
23 instructed my men that he was there -- because there was

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